

**IN THE UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF OHIO  
EASTERN DIVISION**

PAUL J. FOSLER,	)	CASE NO. 5:24-CV-00114
	)	
Plaintiff,	)	CHIEF JUDGE SARA LIOI
	)	
vs.	)	MAGISTRATE JUDGE AMANDA M.
	)	KNAPP
BABCOCK & WILCOX NEW ENERGY	)	
HOLDINGS, LLC, <i>et al.</i> ,	)	
	)	
Defendants.	)	

**JOINT MOTION TO STAY ACTION PURSUANT TO SETTLEMENT AGREEMENT**

Plaintiff Paul J. Fosler and Defendants Babcock & Wilcox New Energy Holdings, LLC and The Babcock & Wilcox Company have reached a confidential settlement and respectfully request that the Court stay the case, including Plaintiff's Reply in Support of his Motion for Judgment on the Pleadings (Doc. 18), through May 24, 2024. On or before May 24, 2024, the parties will submit either a stipulation of dismissal or a joint status report. Good cause exists for the stay as the parties have reached a resolution of all claims but require additional time to effectuate the terms of such resolution before dismissing this action.

This motion is accompanied by a proposed order.

Respectfully submitted,

/s/ Trevor G. Covey

Trevor G. Covey (0085323)  
Nathan H. Boninger (0097100)  
Sarah J. Schneider (0101367)  
**BENESCH, FRIEDLANDER, COPLAN &  
ARONOFF LLP**  
127 Public Square, Suite 4900  
Cleveland, Ohio 44114  
Telephone: 216.363.4500  
Facsimile: 216.363.4588  
tcovey@beneschlaw.com  
nboninger@beneschlaw.com  
sschneider@beneschlaw.com

/s/ Rachael L. Russo

Rachael L. Russo (0070904)  
**ROETZEL & ANDRESS, LPA**  
One Cleveland Center, 10<sup>th</sup> Floor  
1375 East Ninth Street  
Cleveland, Ohio 44114  
Telephone: 216.623.0150  
Email: rrusso@ralaw.com

John F. Kerkhoff (0097134)  
**BENESCH, FRIEDLANDER, COPLAN &  
ARONOFF LLP**  
41 South High Street  
Suite 2600  
Columbus, Ohio 43215  
Telephone: 614.223.9300  
Facsimile: 614.223.9330  
jkerkhoff@beneschlaw.com

*Attorneys for Plaintiff Paul J. Fosler*

Michelle F. Nouredine (0092419)  
**ROETZEL & ANDRESS, LPA**  
222 South Main Street  
Akron, Ohio 44308  
Telephone: 330.376.2700  
Email: mnouredine@ralaw.com

*Attorneys for Defendants Babcock & Wilcox  
New Energy Holdings, LLC and The Babcock  
& Wilcox Company*